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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/888,920	06/25/2001	Thomas J. Holman	1001.1181102	9756
28075 7590 02/18/2010 CROMPTON, SEAGER & TUFTE, LLC 1221 NICOLLET AVENUE SUITE 800 MINNEAPOLIS, MN 55403-2420				
EXAMINER WITCZAK, CATHERINE				
ART UNIT 3767		PAPER NUMBER		
MAIL DATE 02/18/2010		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

09/888,920

**Applicant(s)**

HOLMAN ET AL.

**Examiner**

CATHERINE N. WITCZAK

**Art Unit**

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**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 October 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 47-58 and 60-63 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 47-58 and 60-63 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/c2)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 47-49, 51, 54, 55, 57 and 58 are rejected under 35 U.S.C. 102(b) as being anticipated by Reum (US 5,181,750).

Reum discloses in Figure 4 and column 5, lines 19-24 a monolithic catheter hub comprising a hub portion (63) and a strain portion (65) molded as a single piece, a lumen configured to receive a hollow catheter (12), the strain portion having grooves extending helically/orthogonally to the axis, and the hub further comprising wings (52b).

2. Claims 47-49, 54, 56-58, and 60-63 are rejected under 35 U.S.C. 102(b) as being anticipated by Dance et al (US 6,113,576).

Dance et al disclose in Figure 10 a monolithic catheter hub (28) comprising a hub portion (62) and a strain portion (30) molded as a single piece, a lumen configured to receive a hollow catheter (12), the strain portion having grooves extending helically/orthogonally into the lumen (see Figure 10), the hub comprising wings (the proximal flared portion 62 of hub 28), and an angled port (inlets to 64/66/68) defining a lumen in fluid communication with the lumen extending between the hub and strain relief portion (see Figure 10).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 50 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reum as modified by Folkman (US 5,333,650)

Reum discloses the claimed invention except for the hub being molded to include a threaded connector section and the hub being molded onto the proximal end of the tube. Folkman discloses in Figure 1 it is known to use hub being molded to include a threaded connector section which is molded onto the proximal end of the tube. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system as taught by Reum with the teaching of Folkman since such a modification would permit for a more secure attachment of the hub to a variety of devices via the threaded section while providing a cheap and secure connection between the hub and tube.

4. Claims 52 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reum OR Dance et al.

Reum OR Dance et al disclose the claimed invention except for teaching the hub being molded of nylon or polyether block amide polymer. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Reum OR Dance et al by molding the hub out of any suitable material, including nylon or polyether block amide polymer, since it is well known to substitute various types of materials, including various types of polymers, in the production of hub-type devices.

### ***Response to Arguments***

Applicant's arguments filed 10/22/09 have been fully considered but they are not persuasive. Applicant argues that Reum does not disclose the distal strain relief portion having a first flexibility adjacent a distal end thereof and a second flexibility different from the first flexibility adjacent a proximal end thereof. Examiner disagrees, as Reum disclose the flexibility varying along the length of the strain relief portion, disclosing in column 5, lines 2-25 that the 'over the length of the strain relief handle device, the disks vary in depth having the shallowest dimension at the ends and increasing to maximum depth at the middle ... permitting a limited, safe degree of bending where the disks are at maximum depth and decreasing toward the ends.' As to Applicant's arguments that Reum does not disclose the proximal hub portion being molded with wings, Examiner points out that the hub of Reum can be considered to be comprised of element 52, 51b, and 61, wherein the 'proximal hub' portion comprises element 52, 51b and 63, and the 'distal hub' comprises elements 65 and 64. As the claims do not require that the entire proximal hub portion be molded as a single piece with the distal strain portion, and element 52 (which is a component of the proximal hub portion) comprises molded wings, it is the Examiner's position that Reum does disclose the limitations of claim 51.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH

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shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CATHERINE N. WITCZAK whose telephone number is (571)272-7179. The examiner can normally be reached on Monday through Friday, 8-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Simons can be reached on (571) 272-4965. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Catherine N Witczak/  
Examiner, Art Unit 3767

/Kevin C. Simons/  
Supervisory Patent Examiner, Art Unit 3767